

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

STEPHANIE LYNN FORD,

Plaintiff,

v

CHRISTIANA CARE HEALTH SYSTEMS,

MR. RICHARD BURTON, and

MRS. CLARA CLARK,

Defendants.

: CIVIL ACTION

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NO. 06-301 (KAJ)

Wilmington, Delaware
Tuesday, November 14, 2006 at 4:00 p.m.
TELEPHONE CONFERENCE

BEFORE: HONORABLE **KENT A. JORDAN**, U.S.D.C.J.

APPEARANCES:

STEPHANIE LYNN FORD

Pro Se Plaintiff

MORRIS JAMES HITCHENS & WILLIAMS, LLP

BY: DAVID H. WILLIAMS, ESQ.

and

MORGAN LEWIS & BOCKIUS

BY: THOMAS S. BLOOM, ESQ., and

KENDRA L. BAISINGER, ESQ.

(Philadelphia, Pennsylvania)

Counsel for Defendants

Brian P. Gaffigan
Registered Merit Reporter

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P R O C E E D I N G S

(REPORTER'S NOTE: The following telephone conference was held in chambers, beginning at 4:00 p.m.)

THE COURT: Hi, this is Judge Jordan. Who do I have on the line?

MR. WILLIAMS: Your Honor, David Williams, Tom Bloom and Kendra Baisinger for the defendant.

MS. FORD: And Stephanie Ford, Your Honor.

THE COURT: All right. I received the letter that was sent over by Mr. Williams, dated November 1st. And from what I can see, this ought to be a pretty quick call. It looks like everything is moving ahead appropriately in discovery and that the case is still on track. Am I right about that from the defense perspective, Mr. Williams?

MR. WILLIAMS: Yes, Your Honor.

THE COURT: Ms. Ford, do you agree with that as well?

MS. FORD: Yes.

THE COURT: Okay. Then this will be one heck of a short call. Give me just one moment. I have a question that I need to ask you.

(Pause.)

THE COURT: It appears there have been a couple of motions filed for a jury trial in this matter. Now, I

1 have this down for a jury trial already and I'm not aware of
2 the other side moving to strike that or anything. Is this
3 strictly an ERISA case?

4 MR. BLOOM: Your Honor, this is Tom Bloom. I
5 think that until we conduct Ms. Ford's deposition, we're not
6 sure. We really don't know. To the extent it's an ERISA
7 case, it's not a jury case but we're not entirely clear as
8 to the scope of the claims at issue.

9 THE COURT: Well, here is what we're going to
10 do. Ms. Ford, I'm going to deny your motions as moot at
11 this point because it's already set for a jury trial.

12 MS. FORD: Oh, okay.

13 THE COURT: However, if, in fact, the defendants
14 move to strike the jury trial, that would be the time for us
15 to be starting to argue about whether it should or shouldn't
16 be. But at this point, it's set down for a jury trial. All
17 right?

18 MS. FORD: Yes.

19 THE COURT: So Docket Items 22 and 33 will be
20 denied as moot.

21 All right. If there is nothing else --

22 MS. FORD: Well, Your Honor, I do have something
23 else. I was wondering did you get the motion for
24 appointment of counsel?

25 THE COURT: That was filed on the 2nd and, yes,

1 that did arrive and I will take that up. But, Ms. Ford, you
2 should be anticipating that you are going to have to handle
3 this case. I haven't read your motion so I don't know yet
4 whether I would be granting it or not but I can tell you
5 that there are few civil cases where I have asked members
6 the bar to step in on an unpaid basis. This is not like a
7 criminal case where there is a right to counsel and the
8 public funds pay for a lawyer to come in. This is a private
9 dispute that you have with Christiana Care. And the way
10 the system works is you typically either have to find some
11 lawyer who believes in your case enough that they will take
12 it on a contingent fee basis, or you have to finance the
13 prosecution of your suit with your own funds, or you have
14 to address it on a pro se basis. Those are the typical
15 choices.

16 MS. FORD: Okay.

17 THE COURT: On some rare occasions, the Court
18 will step in and reach out to a number of the bar and say,
19 hey, please do this for free on an unpaid basis, but that is
20 a relatively rare event. So I wouldn't want you operating
21 under the impression that, oh, the Court is going to get me
22 a lawyer. That just doesn't happen all that frequently.
23 You should be conducting yourself and working on this case
24 as if you were the one standing up and going to be the one
25 who would have to handle it through to the finish because

1 that is likely to be the way it works out. Okay?

2 MS. FORD: Yes.

3 THE COURT: All right. Is there anything else
4 you want to ask me, Ms. Ford?

5 MS. FORD: No, sir, Your Honor.

6 THE COURT: All right. Is there anything from
7 the defense side?

8 MR. WILLIAMS: No, Your Honor.

9 THE COURT: All right. Thanks for your time
10 today.

11 (Telephone conference ends at 4:05 p.m.)

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